

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED**

Applicants : Löfroth et al. DEC 31 2001
Serial No. : 08/945,653 OFFICIAL GROUP 1600
Filed : October 24, 1997
For : PHARMACEUTICAL COMPOSITION FOR SUSTAINED
RELEASE OF THE HMG-COA REDUCTASE INHIBITOR
FLUVASTATIN
Examiner : W. Webman
Group Art Unit : 1617

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office at: 703-305-3592	
Thelma A. Chen Cleland	40,948
Name	PTO Reg. No.
<i>Thelma A. Chen Cleland</i>	<i>12/28/01</i>
Signature	Date of Signature

LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Examiner's telephone call with the undersigned agent yesterday regarding the above-identified application. The Examiner indicated that a response to the Office Action mailed on June 20, 2001, regarding a restriction requirement had not been received by the U.S. Patent and Trademark Office ("PTO").

Applicants submit that a timely Response to the Office Action was filed with the PTO on October 18, 2001. A copy of the Response is attached herewith for the Examiner's consideration. At the time of filing, the Response contained a proper Certificate of Mailing under 37 CFR §1.8 and a Petition for Extension of Time to extend the period of response to October 20, 2001. The Petition included a check in the amount of \$920 to pay the required extension fee. Copies of the \$920 check dated October 18, 2001, and a return-receipt postcard ("postcard") submitted with the Response are also enclosed for the Examiner's consideration.

The undersigned has information from the agent's Accounting Department that the \$920 check has not, to date, been paid by the bank. Moreover, Applicants have not received the postcard bearing the stamp of the PTO mailroom, which acknowledges receipt of the documents. Therefore, Applicants believe that the timely filed Response in the application was lost in the mail, either in the U.S. Postal Service or in the PTO's mailroom.

Nevertheless, as signified by the certificate of mailing under 37 CFR §1.8, there was a reasonable basis to expect that the Response would be mailed on the date indicated, i.e., October 18, 2001. Perhaps the incidents following the disruption of the PTO mail service following the September 11, 2001 attack and anthrax scare contributed to the PTO's failure to receive the Response.

1103326-0283

Pursuant to the Examiner's instructions, Applicants are submitting a copy of the Response that was filed on October 18, 2001. Accordingly, Applicants request that the Response be considered by the Examiner.

If the original documents do not reach the PTO, the Commissioner is hereby authorized to charge the \$920 required fee and any additional fees due with this paper or credit any overpayments to Deposit Account No. 23-1703.

Dated: December 28, 2001

Respectfully submitted,

Thelma A. Chen Cleland

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Enclosures

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Date: December 28, 2001

No. of Pages (including cover): 13

To: Examiner: E. Webman
US PATENT AND TRADEMARK
OFFICE

Fax Number: (703) 305-3592

Contact Number:

From: Thelma A. Chen Cleland, Ph.D.

Reference No.: 1103326-0283

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Applicant: LÖFROTH, ET AL.

Serial No.: 08/945,655

Filed: October 24, 1997

Group art unit: 1617

Please see the attached. Thank you.

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Date 10, 18, 01
Atty. Docket 1103326-0283
Serial No. 081945,655

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Maintenance Fee Transmittal and check for \$ _____
- ☒ Response to Official Action. _____
- ☐ Check for \$ _____ (claims fee) 920
- ☒ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☐ Information Disclosure Statement, PTO - 1449 and _____ references
- ☐ Claim priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and mailing or returning to deliver.

Atty. R. J. Kerner Date 10/20/01

37 CFR 1.8 ☒
37 CFR 1.10 ☐
By Hand